

FILED BY: *JE* D.C.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE

05 NOV -3 AM 11:26

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W/D OF TN, MEMPHIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

ODIE SMITH,

Defendant.

Case No. 05-cr-20230

MOTION GRANTED

Jon Phipps McCall
JON PHIPPS McCALL
U.S. DISTRICT JUDGE

11/3/05

DATE

MOTION FOR CONTINUANCE

Comes now the Defendant, Odie Smith, by and through counsel, Linda Kendall Garner, and moves the Court to continue his case which is currently set for trial on November 7, 2005.

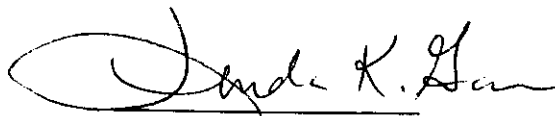
As grounds for such relief, counsel states the following:

1. That counsel spoke without adequate consultation with her client when she announced ready for trial in the above case.
2. That the defendant's state appointed attorney contacted counsel this week and requested a meeting to discuss the most appropriate resolution of both cases.
3. That after a lengthy visit with the defendant counsel believes he requires more time to understand the potential impact of how a conviction in the state matter could significantly impact his sentence in the district court.
4. That the gravity of the potential guideline sentence-even in an advisory capacity- requires counsel to proceed with slower steps in this case.
5. That the government does not oppose counsel's request for a continuance.

6. That counsel herein requests that the case be removed from the trial calender and reset for final report on the Court's next report date.

WHEREFORE, counsel requests that the above case be removed from the trial docket and reset to the Court's next report date.

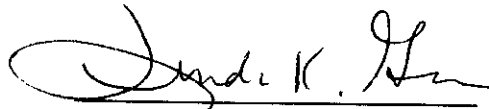
Respectfully submitted,

A handwritten signature in black ink, appearing to read "Linda K. Garner", written over a horizontal line.

Linda Kendall Garner
217 Exchange Avenue
Memphis, TN 38105
(901) 526-1890

CERTIFICATE OF SERVICE

I, Linda Kendall Garner, do hereby certify that a copy of the foregoing has been mailed to Katrina Early, United States Assistant Attorney, at 167 North Main, 8th Floor, Memphis, TN 38104, this the 2nd day of November 2005.

A handwritten signature in black ink, appearing to read "Linda K. Garner", written over a horizontal line.

Linda Kendall Garner



Notice of Distribution

This notice confirms a copy of the document docketed as number 26 in case 2:05-CR-20230 was distributed by fax, mail, or direct printing on November 3, 2005 to the parties listed.

Linda Kendall Garner
LAW OFFICE OF LINDA KENDALL GARNER
217 Exchange Ave.
Memphis, TN 38105

Katrina U. Earley
U.S. ATTORNEY'S OFFICE
167 N. Main St.
Ste. 800
Memphis, TN 38103

Honorable Jon McCalla
US DISTRICT COURT